

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 08-364 (JRT)

UNITED STATES OF AMERICA,

Plaintiff,

v.

(1) THOMAS JOSEPH PETTERS,

Defendant.

**PRELIMINARY ORDER OF
FORFEITURE AS TO
SUBSTITUTE PROPERTY**

Based on the United States' motion for an Order of Forfeiture as to Substitute Property; on the Stipulation to Forfeiture and Transfer of Funds; on the jury's determination that defendant Thomas Joseph Petters is guilty of Counts 1 through 20 of the Superseding Indictment; on the forfeiture money judgment in the amount of \$3,522,880,614 entered against Petters at sentencing; and on the Court's authority to order the forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c),

IT IS HEREBY ORDERED that:

1. The Motion of the United States for a Preliminary Order of Forfeiture as to Substitute Property [Docket No. 679] is GRANTED;
2. The Stipulation to Forfeiture and Transfer of Funds between the United States and Douglas A. Kelley, as Receiver on behalf of the Receivership Individuals and Entities including Thomas J. Petters [Docket No. 680] is APPROVED;

3. Defendant Thomas Joseph Petters shall forfeit the following property currently held by Douglas A. Kelley, in his capacity as the court-appointed receiver in the proceeding captioned *United States v. Thomas J. Petters, et al.*, No. 08-cv-05348 (ADM/TNL), to the United States pursuant 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b)(1) and 28 U.S.C. § 2461(c):

- a. All funds relating to investments previously held by EBP Select Holdings, LLC in Bluestem Brands, Inc., including the following funds:
 - i. approximately \$10,003,019.10 in funds held at US Bank derived from stock dividends and proceeds from the sale of stock, plus any additional accrued interest on these funds;
 - ii. approximately \$36,132.50 in funds held at Crown Bank, plus any additional accrued interest on these funds;
 - b. All funds in the Thomas J. Petters receivership account, including approximately \$6,560,435.79, any future distributions received from RTB Holdings LLC, and any additional accrued interest on these funds;
 - c. All funds in the Thomas J. Petters Family Foundation receivership account, including approximately \$840,634.53 held at US Bank, plus any accrued interest on these funds;
4. The Attorney General or his authorized designee may seize the foregoing property and maintain custody and control of the property pending the entry of a Final Order of Forfeiture;

5. The United States shall, pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c), publish and give notice of this Order and its intent to dispose of the foregoing property in such manner as the Attorney General may direct;

6. Following the Court's disposition of all petitions filed pursuant to 21 U.S.C. § 853(n)(2) or, if no petitions are filed, following the expiration of the time period specified within which to file such petitions, the United States shall have clear title to the foregoing property and may warrant good title to any subsequent purchaser or transferee; and

7. This Court shall retain jurisdiction to enforce this Order, and to amend it as necessary pursuant to Fed. R. Crim. P. 32.2(e).

Dated:

JOHN R.TUNHEIM, Chief Judge
United States District Court